IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20888 of 2004

Between:

M/s. Sripasa Engineering Company at Door No. 48-9-17, Dwarakanagar, Visakhapantam, rep by Managing Partner C. Sridhar S/o C.V. Rao

..... PETITIONER

AND

1 State of AP., rep by Commercial Tax Officer, Dwarakanagar, Visakhapantam
2 The Addl. Commissioner (CT) Legal, O/o Commissioner of Commercial Taxes, Hyderabad
3 The A.P. Sales Tax Appellate Tribunal, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a Writ, more particularly one in the nature of Certiorari, calling for the records in CCT's Ref. No. LV(3)/2188/2004 on the file of the Additional Commissioner (CT)Legal (FAC), office of the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabd relating to the Asst. Year 2000-2001, and set a side the order dated 20-8-2004.

Counsel for the Petitioner:MR.S.V.S.CHOWDARY

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court, at the stage of admission, made the following :

ORDER: (per BN,J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner, within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

DATED:17-11-2004

(S.ANANDA REDDY, J)

GJ

To

1 The Commercial Tax Officer, State of AP., Dwarakanagar, Visakhapantam.
2 The Addl. Commissioner (CT) Legal, O/o Commissioner of Commercial Taxes, Hyderabad
3 The A.P. Sales Tax Appellate Tribunal, Hyderabad.

4 Two C.Cs. to the Government Pleader for Commercial Taxes, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.